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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,903	07/25/2001	Onur Celebioglu	16356.642 (DC-02950)	6593

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EXAMINER	
PHUNKULH, BOB A	

ART UNIT	PAPER NUMBER
2619	

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01/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/912,903	CELEBIOGLU ET AL.	
	Examiner	Art Unit	
	Bob A. Phunkulh	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 24-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 24-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to applicant's 10/25/2007 amendment(s)/response(s) in the application of **CELEBIOGLU et al.** for "**SYSTEM AND METHOD FOR DETECTING AND INDICATING COMMUNICATION PROTOCOLS**" filed 07/25/2001. The amendment/response to the claims have been entered. Claim 23 has been withdrawn. No claims have been cancelled. No claims have been added. Claims 1-11, 24-29 are now pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-11, 24-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over *PERRIN* et al. (US 2002/0161924), hereinafter *PERRIN*., in view of *CROWFORD* (US 2002/0180612).

Regarding claim 1, *PERRIN* discloses a system comprising: device for communicating a packet, the device including a plurality of set of indicators with connection interface, the indicators being activated in response to detected activities (see paragraph 0045). *PERRIN* further discloses interfacing the router with a plurality of protocols (see paragraph 0043). The precise number of LEDs and their placement on the router 10 are not limiting to the present invention, and more or less LEDs or other

optical and/or audible devices may be employed to provide the user with more or less operational or performance feedback (see paragraph 0044).

PERRIN fails to explicitly disclose that each set of indicator being in a different platform layer and each indicator being associated with a different protocol.

Crawford discloses an array of light emitting diodes (LEDs) are used for visual indication of the status of the monitored repeater, where the network administrator can determine whether a particular conditions exist on the repeater and the status may includes many types (see [0003] and [0011]).

Both *PERRIN* and *CROWFORD* disclose that LEDs are used for many types of visual indications in repeaters/switches/routers, where the administrator can determine whether a particular conditions exist on the repeater or providing the user with operational or performance feedback.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made provides the a set of LEDs at each port of the router and activating each LED to indicated the type of protocol in order to provides the network administrator with ability of visualize the type of protocols the network node is receiving –thus network administrator can manage the network's resource accordingly (see [0044] of *PERRIN* for motivation).

Regarding claim 2, *PERRIN* discloses wherein the device includes a router (see [0042] and figure 1).

Regarding claim 3, *PERRIN* discloses wherein the device includes a switch (see [0042] and figure 1).

Regarding claim 4, *PERRIN* discloses wherein the device includes a storage device ([0026, 0031).

Regarding claim 5, *PERRIN* discloses wherein the device includes a network interface card (see [0048]).

Regarding claim 6, *PERRIN* discloses wherein the packet includes a first header and a second header, wherein the device is configured to detect the first protocol in response to the first header, and wherein the device is configured to detect the second protocol in response to the second header (see [0043]).

Regarding claim 7, *PERRIN* discloses wherein the device includes at least one hardware component configured to detect the first protocol and the second protocol (see [0043]).

Regarding claim 8, *PERRIN* discloses wherein the device includes a program configured to detect the first protocol and the second protocol ([0059]).

Regarding claim 9, *PERRIN* discloses wherein the program includes a device driver (inherent feature).

Regarding claim 10, *PERRIN* disclose a method comprising: providing device for communicating a packet, the device including a plurality of set of indicators with connection interface, the indicators being activated in response to detected activities (see paragraph 0045). *PERRIN* further discloses interfacing the router with a plurality of protocols (see paragraph 0043). The precise number of LEDs and their placement on the router 10 are not limiting to the present invention, and more or less LEDs or other optical and/or audible devices may be employed to provide the user with more or less operational or performance feedback (see paragraph 0044).

PERRIN fails to explicitly disclose that each set of indicator being in a different platform layer and each indicator being associated with a different protocol.

Crawford discloses an array of light emitting diodes (LEDs) are used for visual indication of the status of the monitored repeater, where the network administrator can determine whether a particular conditions exist on the repeater and the status may includes many types (see [0003] and [0011]).

Both *PERRIN* and *CROWFORD* disclose that LEDs are used for many types of visual indications in repeaters/switches/routers, where the administrator can determine whether a particular conditions exist on the repeater or providing the user with operational or performance feedback.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made provides the a set of LEDs at each port of the router and activating each LED to indicated the type of protocol in order to provides the network administrator with ability of visualize the type of protocols the network node is receiving –thus network administrator can manage the network resource accordingly (see [0044] of *PERRIN* for motivation).

Regarding claim 11, *PERRIN* discloses wherein the packet includes a first header and a second header, wherein the device is configured to detect the first protocol in response to the first header, and wherein the device is configured to detect the second protocol in response to the second header (see [0043]).

Regarding claim 24, *PERRIN* discloses wherein the device transmit a packet (see [0006]).

Regarding claim 25, *PERRIN* discloses wherein the device receive a packet (see [0006]).

Regarding claim 26, *PERRIN* discloses wherein the device includes a router (see [0042] and figure 1).

Regarding claim 27, *PERRIN* discloses wherein the device includes a switch (see [0042] and figure 1).

Regarding claim 28, *PERRIN* discloses wherein the device includes a storage device ([0026, 0031).

Regarding claim 29, *PERRIN* discloses wherein the device includes a network interface card (see [0048]).

Response to Arguments

Applicant's arguments filed 10/25/2007 have been fully considered but they are not persuasive.

In response to the applicant's argument, *PERRIN* discloses a router having a plurality of ports that can connects to a plurality of protocols (see paragraph [0043]); and a plurality of LEDs operate to provide the user of the router with visual operation and performance of the router (see paragraph [0044]). *CROWFORD* also teaches using LEDs to indicate the status condition of monitored ports in a repeater (see paragraph [0011]). The combination of *PERRIN* and *CROWFORD* disclose LEDs are used to indicate the status condition of the router.

In response to applicant's argument that the claimed subject matter the device including a plurality of sets of indicators (LEDs) associated with a connection interface, the indicators being activated in response to detected protocols associated with the

interface, each set of indicators being in a different platform layer is merely indented use of the device, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (emphasis added).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083.** The examiner can normally be reached on Monday-Tursday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Jay Patel**, can be reach on **(571) 272-2988.** The fax phone number for this group is **(571) 273-8300.**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bob A. Phunkulh
Primary Examiner
TC 2600
Technology Division 2619
December 28, 2007

BOB PHUNKULH
PRIMARY EXAMINER